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Executive Summary:
Community Context and Sentencing Decisions:
A Multilevel Analysis

Prepared for
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This executive summary provides an overview of a multilevel analysis of sentencing outcomes for felony defendants across the United States.¹ First, and possibly most importantly, the findings of this research indicate that there is substantial variation across counties in three sentencing outcomes: in/out (incarceration), sentence type (prison versus jail versus probation/fine, and sentence length, even after controlling for other legal and extralegal factors. This is an interesting finding since many sentencing policies and practices have been implemented in order to make sentencing decisions more uniform and equitable. Perhaps these sentencing structures are achieving that goal in some communities but not in others and the results are then masked or washed out. Overall however, there remains a significant amount of variation in these outcomes across the counties included in the analysis.

What Are the Findings?

This study examines two general questions: 1) Do community characteristics influence a variety of sentencing outcomes? and 2) Do community characteristics condition the influence of defendant age, race, and sex on sentencing outcomes? With regard to the first research question, the general answer is no. The results indicate that, for the most part, the community characteristics included in this study (e.g., percent unemployed, sex ratio, age structure, violent crime rate, percent Protestant, percent black, percent Republican, and type of sentencing structure) do not exert substantial effects on many of the sentencing outcomes examined. This is an interesting finding since several “threat” perspectives suggest that defendants adjudicated in areas with certain types of attributes (i.e., high rates of violent crime, high unemployment rates, relatively large proportions of minority residents) should receive more severe sentences. Contrary to prior research (e.g., Box and Hale, 1986, 1985, 1982; Greenberg and West, 2001;

¹ The research analyzed data from the 1998 State Court Processing Statistics program (SCPS), collected by the Bureau of Justice Statistics as well as a county-level data set that provided sociodemographic, political, religious,

McCarthy, 1990; Wallace, 1981) the weak and statistically nonsignificant findings for county-level unemployment rates, violent crime rates, and percent black fail to support the expectations associated with the conflict-oriented “threat” frameworks. Additionally, the results reveal weak and statistically nonsignificant support for most of the expectations derived from the individual-level punitive attitudes survey literature. Specifically, I fail to find support for the expectation that defendants receive more severe sentences when adjudicated in communities with any of the following features: relatively high male-to-female sex ratios, larger proportions of Republicans, stringent sentencing guidelines.

I do, however, find that for certain sentencing decisions—jail versus prison, sentence length—whether a defendant is adjudicated in a Southern versus Non-southern community and the relative size of the Protestant-affiliated residents within the adjudication county exert statistically significant influences on the severity or type of punishment imposed. These effects are modest and the influence of regional distinction (i.e., South versus Non-south) is opposite to the expected direction. More specifically, defendants adjudicated in Southern counties are more likely to receive a jail term than a prison term, net of other factors. However, the effect of the relative size of the Protestant population is in the expected direction and the results suggest that not only are defendants more likely to receive a prison sentence than a jail sentence, but they are also more likely to receive longer terms of confinement when adjudicated in counties characterized by a relatively large proportion of Protestant-affiliated residents. While the region effect is not expected and is in fact somewhat surprising, the positive Protestant effect provides modest support for the hypothesis drawn from the individual-level survey literature.

With regard to the conditioning nature of community characteristics on the influence of defendant age, race, and sex effects on sentencing outcomes, the results are equally surprising.

and official crime information on all of the counties included in the 1998 SCPS dataset.

With one notable exception (age structure accounts for almost one-third of the variation in the age effect on sentence length), the findings indicate that none of the community characteristics helps to explain the variation in defendant age, race, and sex effects on sentencing outcomes, across counties. None of the defendant effects on the “in/out” or sentence type outcomes varies across the 39 counties included in the analysis. More specifically, the results indicate that the influences of defendant age, race, and sex are fairly consistent on these two sentencing outcomes, across counties. In general, males and blacks are at a greater disadvantage during sentencing than are their female and white counterparts,² although the race effect does vary across counties in the case of sentence length. The age effect (defendants between 18 and 29 years old) is not statistically significant for any of the sentencing outcomes examined, but, similar to the race effect it varies across counties for the sentence length decision. The most important findings related to this research question are that, in general, both the single and three-way interaction effects of defendant age, race, and sex do not vary across the counties included in the analysis, and when they do, as in the case of sentence length; none of the community characteristics helps to explain this variation.

Why So Little Support for the Hypotheses and Expectations?

There are several reasons why the analysis provides little support for the theoretical and empirical expectations. First, it is critical to reiterate that the analysis revealed significant variation across counties in all three sentencing outcomes considered (i.e., in/out, type of sentence, and sentence length). This finding suggests that there may be either an advantage or disadvantage for criminal defendants sentenced in different communities with differing characteristics. It is possible that some omitted control variable or measurement error in the

² However, the race effect does not reach statistical significance for the contrasts between jail and probation/fine and prison and jail.

present analysis accounts for some of this variation, but it is extremely unlikely that these factors account for the large amount of variation observed across counties in all of the sentencing outcomes examined. Importantly, neither the individual-level defendant and case characteristics nor the county-level attributes explain the significant amount of variation found for each of the sentencing outcomes across counties. So, what might?

First, the lack of information on victim, judicial, and court organizational characteristics might be affecting the results. It may be that some community factors affect sentencing outcomes for felony defendants only in certain types of courts overseen by certain types of judicial figures or when the offenses are committed against certain types of victims. Without information on these potentially important factors, it is possible that the controls included in the present study do not fully capture the compositional effects that could be important predictors of sentencing.

Second, it is also possible that the use of the present dataset, one that only provides information on urban counties, impedes the ability to evaluate fully some of the hypotheses. Perhaps the results would lend more support to theory and prior empirical research if the data reflected a broader range of urban, suburban, and rural areas. The inclusion of suburban and rural communities might also expand the variation associated with the dependent variables as well as the individual- and county-level explanatory variables; doing so might increase the chances of finding support for the theoretical and empirical expectations.

Third, the use of proxy variables as indicators of economic and racial threat might also be masking the true relationships between sentencing outcomes and perceived economic and/or racial threat. It may be that better measures such as the actual amount of economic and/or racial

threat perceived by community residents would capture more fully the relationships and expectations associated with these frameworks.

Fourth, it is also possible that the “threat” hypotheses discussed and tested in this research apply only to certain offenders or offenses. More specifically, it may be that only “threatening” offenders (i.e., minority, poor, unemployed) or defendants adjudicated for committing “threatening” offenses (i.e., murder, rape, robbery) are at a greater disadvantage during the sentencing phase.

Although little support for the influence of community characteristics on sentencing outcomes and the conditioning influence of community characteristics on the effects of defendant age, race, and sex on sentencing outcomes, the findings from this study lead to several important implications for policy making and future research:

Continue to examine the influence of a variety of individual and contextual influences on various sentencing outcomes.

Expand the empirical efforts to include examinations of the earlier phases in the criminal justice process.

Attempt to include more rigorous measures of community-level attributes.

Continue to examine individual- and contextual-influences via the appropriate multilevel statistical techniques (i.e., HLM).

Continue to emphasize the importance of defendant, case, and community effects while also including victim, judicial, and court organizational characteristics.

The findings of this research also have important implications for officials within the criminal justice system and policymakers in general. The general lack of community influence should signal to criminal justice officials that what occurs inside the courtroom may be potentially more important, at least with regard to sentencing outcomes, than any contributing factors outside the court. Also, it is critical for criminal justice officials to realize that, at least according to the results of this research, the current sentencing guidelines and structures in place across the 39 counties *do not* significantly affect the types or length of sentences imposed, nor do these structures condition the effects of defendant age, race, and sex on sentencing outcomes. It may be that the relatively crude, dichotomous indicator of type of sentencing structure used in this research leads to the nonsignificance of sentencing structures on these outcomes and a more rigorous examination is needed in order to assess the impact of these sentencing structures. However, it may also be that the sentencing structures implemented in these areas fail to achieve their main objective: to enhance the equity and consistency of sentencing outcomes imposed on criminal defendants in large urban areas across the United States.